

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION.**

CIVIL APPLICATION No.3992 OF 2005.
IN
FIRST APPEAL No. 1584/2006.

Mahiboob Ladlesab Maniure. ..Applicant.

Vs.

Sulochana Dnyandeo Survase
and Ors. ..Respondents.

Mr. K. K. Tated, Advocate
for Applicant.

**CORAM: S.B.DESHMUKH,J.
DATED: 17TH AUGUST,2006.**

P.C.:-

1] Heard the learned Counsel Mr.Tated, for
the Applicant. He submits, that Respondent
Nos. 1 to 5 have been served through
Advocate's notice. Respondent No.6 did not
accept the Advocate's Notice and, therefore,
it is sent by Registered Post to Respondent
No.6. He has also filed affidavit regarding
private service.

2] The office report shows that notice of
Respondent No. 3 and 4 returned unserved with
Bailiff's remark, as; "not residing on given
address".

3] The learned Counsel for the Applicant has referred to a statement made in para 3 of the Civil Application. According to the Applicant, Original Claimants/Respondents in this Civil Application have received compensation to the tune of Rs. 1,91,565/-, which was deposited by the Insurance Company in the Trial Court, on 25th April, 2005. The learned Counsel for the Applicant submits that the Respondents, now, may not be interested in the proceeding.

4] Perused the order passed by this Court (Coram: D.G. Deshpande,J) on 9th September, 2005. The learned Counsel Mr.Tated is justified in submitting that Respondents-Claimants have received amount of compensation and probably may not appear in response to the Advocate's notice. In this view of the matter, in my view, notice through Court though ordered earlier, is not necessary. Despite the report, regarding non-service, I am inclined to allow this Civil Application. Since relief is against the Insurance Company, I have perused the affidavit of service as well as the receipt

tendered by the learned Counsel on record. From the receipt it appears that the registered post acknowledgement due letter's envelope was addressed to the National Insurance Company Ltd. Sholapur on 25th January, 2006 and noting a fact that address of the Insurance Company is correctly mentioned, in this receipt, in my view, respondent no.6 Insurance Company can be said to have been duly served with this Civil Application.

5] In this view of the matter, ad-interim relief earlier granted by this Court is made absolute.

6] Civil Application is disposed of accordingly.

[S.B.DESHMUKH,J.]